

Summary of Significant Changes to the 2016 Construction Stormwater General Permit (CSWGP).

Permit Section(s)	2010 CSWGP	2016 CSWGP
<b>S1. Permit Coverage</b>		
S1.A. Permit Area	Federal and Tribal lands were exempt from the CSWGP.	Clarification – Federal operators and Indian Country are exempt from the CSWGP.
S1.B.1.a. Operators Required to Seek Coverage Under this General Permit	Clearing, grading and/or excavation that results in the disturbance of one or more acres and discharges stormwater to surface waters of the State;	Clarification – Clearing, grading and/or excavation that results in the disturbance of one or more acres ( <u>including off-site disturbance acreage authorized in S1.C.2)</u> and discharges stormwater to surface waters of the State;
S1.D.3. Prohibited Discharges	CFR 122.1	Corrected the citation to 40 CFR 122.2.
S1.D.4. Prohibited Discharges	Slurry materials and waste from shaft drilling.	Clarification – Slurry materials and waste from shaft drilling, <u>including process wastewater from shaft drilling for construction of building, road, and bridge foundations unless managed according to Special Condition S9.D.9.j.</u>
S1.E.3. Limits on Coverage	Stormwater from any federal project on federal land is not covered by this permit.	Clarification – Stormwater from any federal operator is not covered by this permit.
S1.E.4. Limits on Coverage	Stormwater from land within an Indian Reservation except for the Puyallup Reservation is not covered by this permit.	Clarification – <u>Stormwater from facilities located on “Indian Country” as defined in 18 U.S.C.§1151, except portions of the Puyallup Reservation as noted below.</u>  <u>Indian Country includes:</u> a. <u>All land within any Indian Reservation notwithstanding the issuance of any patent, and, including rights-of-way running through the reservation. This includes all federal, tribal, and Indian and non-Indian privately owned land within the reservation.</u> b. <u>All off-reservation Indian allotments, the Indian titles to which have not been extinguished, including rights-of-way running through the same.</u>

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		<p><u>c. All off-reservation federal trust lands held for Native American Tribes.</u></p> <p><u>Puyallup exception: Following the Puyallup Tribes of Indians Land Settlement Act of 1898, 25 U.S.C §1773; the permit does apply to land within the Puyallup Reservation except for discharges to surface water on land held in trust by the federal government.</u></p>
<b>S2. Application Requirements</b>		
S2.A.1.b. Notice of Intent Form/Timeline	N/A	<p>New Language –</p> <p><u>Operators must apply using the electronic application form (NOI) available on Ecology’s website</u>  <a href="http://www.ecy.wa.gov/programs/wq/stormwater/construction/index.html">http://www.ecy.wa.gov/programs/wq/stormwater/construction/index.html</a>. Permittees unable to submit electronically (for example, those who do not have an internet connection) must contact Ecology to request a waiver and obtain instructions on how to obtain a paper NOI.</p> <p><u>Department of Ecology</u>  <u>Water Quality Program - Construction Stormwater</u>  <u>PO Box 47696</u>  <u>Olympia, Washington 98504-7696</u></p>
S2.A.1.f. Permit Application Forms	N/A	<p>New Language –</p> <p><u>Applicants must notify Ecology if they are aware of contaminated soils and/or groundwater associated with the construction activity. Provide detailed information with the NOI (as known and readily available) on the nature and extent of the contamination (concentrations, locations, and depth), as well as pollution prevention and/or treatment BMPs proposed to control the discharge of soil and/or groundwater contaminants in stormwater. Examples of such detail may include, but are not limited to:</u></p> <ul style="list-style-type: none"> <li><u>i. List or table of all known contaminants with laboratory test results showing concentration and depth.</u></li> <li><u>ii. Map with sample locations.</u></li> <li><u>iii. Temporary Erosion and Sediment Control (TESC) plans.</u></li> <li><u>iv. Related portions of the Stormwater Pollution Prevention Plan (SWPPP) that</u></li> </ul>

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		<u>address the management of contaminated and potentially contaminated construction stormwater and dewatering water.</u> <u>v. Dewatering plan and/or dewatering contingency plan.</u>
S2.C.4. Erosivity Waiver	This waiver is not available for facilities declared significant contributors of pollutants as defined in Special Condition S1.B.1.b.	Clarification – This waiver is not available for facilities declared significant contributors of pollutants as defined in Special Condition S1.B.1.b. <u>or for any size construction activity that could reasonably expect to cause a violation of any water quality standard as defined in Special Condition S1.B.1.b.ii.</u>
<b>S4. Monitoring Requirements, Benchmarks and Reporting Triggers</b>		
S4.C.2.a. Sampling Frequency	Language was in S4.B.	Moved Language – The Permittee must sample all discharge <u>points</u> at least once every calendar week when stormwater discharges from the site or enters any on-site surface waters of the state (for example, a creek running through a site); <u>sampling is not required on sites that disturb less than an acre.</u>
S4.C.2.g. Sampling Frequency	N/A	New Language – <u>The Permittee may reduce the sampling frequency for temporarily stabilized, inactive sites to once every calendar month.</u>
S4.C.3.e. Sampling Locations	N/A	New Language – <u>The Permittee may discontinue sampling at discharge points in areas of the project where the Permittee no longer has operational control of the construction activity.</u>
S4.C.5.b.i. Turbidity/ Transparency Benchmark Values and Reporting Triggers	Telephone Ecology's Regional Office within 24 hours of analysis.	Telephone <u>or submit an electronic report</u> to the applicable Ecology Region's Environmental Report Tracking System (ERTS) number <u>(or through Ecology's Water Quality Permitting Portal [WQWebPortal] – Permit Submittals when the form is available)</u> within 24 hours, in accordance with Special Condition S5.A.  <u>Links to these numbers and the ERTS reporting page are located on the following web site:</u> <a href="http://www.ecy.wa.gov/programs/wq/stormwater/construction/index.html">http://www.ecy.wa.gov/programs/wq/stormwater/construction/index.html</a>
S4.D.2. pH Sampling	N/A	New Language –

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Requirements – Significant Concrete Work or Engineered Soils		<u>For sites with recycled concrete, the Permittee must begin the weekly pH sampling period when the recycled concrete is first exposed to precipitation and must continue until the recycled concrete is fully stabilized and pH is in the range of 6.5 to 8.5 (su).</u>
<b>S5. Reporting and Recordkeeping Requirements</b>		
S5.A. High Turbidity Reporting	Telephone Ecology's Regional Office within 24 hours of analysis.	New Language – Anytime sampling performed in accordance with Special Condition S4.C indicates turbidity has reached the <u>250 NTUs or more (or transparency less than or equal to 6 cm) high turbidity reporting level</u> , the Permittee must <u>either call the applicable Ecology Region's Environmental Report Tracking System (ERTS) number by phone within 24 hours of analysis or submit an electronic ERTS report (or submit an electronic report through Ecology's Water Quality Permitting Portal (WQWebPortal) – Permit Submittals when the form is available). See the CSWGP website for links to ERTS and the WQWebPortal.</u>
S5.B. Discharge Monitoring Reports (DMRs)	Ecology's WebDMR	Updated Portal Name and email Address – Ecology's WQWebDMR accessed through Ecology's Water Quality Permitting Portal. <a href="http://www.ecy.wa.gov/programs/wq/permits/paris/portal.html">www.ecy.wa.gov/programs/wq/permits/paris/portal.html</a> .
S5.B. Discharge Monitoring Reports (DMRs)	N/A	New Language – <u>DMRs are required for the full duration of permit coverage (from issuance date to termination).</u>
S5.C. Records Retention	The Permittee must retain records	Clarification - The Permittee must retain records of all monitoring information (site log book, sampling results, inspection reports/checklists, etc.), Stormwater Pollution Prevention Plan, <u>copy of the permit coverage letter (including Transfer of Coverage documentation)</u> , and any other documentation of compliance with permit requirements for the entire life of the construction project and for a minimum of three years following the termination of permit coverage.
S5.F. Noncompliance Notification	Threat to human health or the environment	Clarification – In the event the Permittee is unable to comply with any part of the terms and conditions of this permit,

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		and the resulting noncompliance may cause a threat to human health or the environment ( <u>such as but not limited to spills of fuels or other materials, catastrophic pond or slope failure, and discharges that violate water quality standards</u> ), or exceed numeric effluent limitations (see S8. Discharges to 303(d) or TMDL Waterbodies), the Permittee must, <u>upon becoming aware of the circumstance:</u>
S5.F.1. Noncompliance Notification	Term “Immediately”	Clarification – Notify Ecology <u>within 24-hours</u> of the failure to comply by calling the applicable Regional office ERTS phone number (refer to Special Condition S4.C.5.b.i. <u>or</u> <a href="http://www.ecy.wa.gov/programs/wq/stormwater/construction/turbidity.html">http://www.ecy.wa.gov/programs/wq/stormwater/construction/turbidity.html</a> for Regional ERTS phone numbers).
S5.F.3. Noncompliance Notification	Submit detailed report to Ecology	New Language – Submit a detailed report to Ecology within five (5) days, <u>of the time the Permittee becomes aware of the circumstances</u> , unless requested earlier by Ecology. <u>The report must be submitted using Ecology’s Water Quality Permitting Portal (WQWebPortal) - Permit Submittals, unless a waiver from electronic reporting has been granted according to S5.B.</u>
S5.F.3. Noncompliance Notification	Reference to G14	New Language – <u>Upon request of the Permittee, Ecology may waive the requirement for a written report on a case-by-case basis, if the immediate notification is received by Ecology within 24 hours.</u>
<b>S9. Stormwater Pollution Prevention Plan</b>		
S9.B.1.f. General Requirments	Engineering calculations for ponds and any other designed structures	Clarification - Engineering calculations for ponds, <u>treatment systems</u> , and any other designed structures.
S9.C.1. Stormwater Best Management Practices (BMPs)	BMPs must be consistent with: Stormwater Management Manual for Western Washington (most recent edition), for sites west of the crest	Clarification - BMPs must be consistent with: Stormwater Management Manual for Western Washington (most <u>current approved edition at the time this permit was issued</u> ), for sites west of the crest of the Cascade Mountains; or

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	of the Cascade Mountains; or	
	BMPs must be consistent with: Stormwater Management Manual for Eastern Washington (most recent edition), for sites east of the crest of the Cascade Mountains; or	Clarification - BMPs must be consistent with: Stormwater Management Manual for Eastern Washington (most <u>current approved</u> edition <u>at the time this permit was issued</u> ), for sites east of the crest of the Cascade Mountains; or
S9.D.4.a. Install Sediment Controls	Construct sediment control BMPs	Clarification - Construct sediment control BMPs (sediment ponds, traps, filters, <u>infiltration facilities</u> , etc.) as one of the first steps in grading.
S9.D.6.c.i. Protect Slopes	West of the Cascade Mountains Crest: Temporary pipe slope drains must handle the peak 10-minute velocity	Clarification - West of the Cascade Mountains Crest: Temporary pipe slope drains must handle the peak 10-minute flow <u>rate</u> from a Type 1A, 10-year, 24-hour frequency storm for the developed condition.
S9.D.6.c.ii. Protect Slopes	East of the Cascade Mountains Crest: Temporary pipe slope drains must handle the expected peak flow velocity	Clarification - East of the Cascade Mountains Crest: Temporary pipe slope drains must handle the expected peak flow <u>rate</u> from a 6-month, 3-hour storm for the developed condition, referred to as the short duration storm.
S9.D.8.a.i. Stabilize Channels and Outlets	West of the Cascade Mountains Crest: Channels must handle the peak 10-minute velocity	Clarification - West of the Cascade Mountains Crest: Temporary pipe slope drains must handle the peak 10-minute flow <u>rate</u> from a Type 1A, 10-year, 24-hour frequency storm for the developed condition.
S9.D.8.a.ii. Stabilize Channels and Outlets	East of the Cascade Mountains Crest: Channels must handle the expected peak flow velocity	Clarification - East of the Cascade Mountains Crest: Channels must handle the expected peak flow <u>rate</u> from a 6-month, 3-hour storm for the developed condition, referred to as the short duration storm.
S9.D.9.f. Control Pollutants	Use BMPs to prevent contamination of stormwater runoff by pH-modifying sources.	Clarification - Use BMPs to prevent contamination of stormwater runoff by pH-modifying sources. The sources for this contamination include, but are not limited to: bulk cement, cement kiln dust, fly ash, new concrete

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		washing and curing waters, <u>recycled concrete stockpiles</u> , waste streams generated from concrete grinding and sawing, exposed aggregate processes, dewatering concrete vaults, concrete pumping and mixer washout waters. (Also refer to the definition for “concrete wastewater” in Appendix A –Definitions.
S9.D.9.g. Control Pollutants	Adjust pH of stormwater if necessary to prevent violations of water quality standards.	Clarification- Adjust pH of stormwater <u>or authorized non-stormwater</u> if necessary to prevent <u>an exceedance</u> of <u>groundwater and/or surface</u> water quality standards.
S9.D.9.h. Control Pollutants	Do not wash out concrete trucks onto the ground, or into storm drains, open ditches, streets, or streams.	Clarification - Assure that washout of concrete trucks is performed <u>off-site</u> or in designated concrete washout areas only. Do not wash out concrete trucks <u>or concrete handling equipment</u> onto the ground, or into storm drains, open ditches, streets, or streams.
S9.D.9.i. Control Pollutants	Obtain written approval from Ecology before using chemical treatment other than CO <sub>2</sub> or dry ice to adjust pH.	Clarification - Obtain written approval from Ecology before using <u>any chemical treatment with the exception of CO<sub>2</sub> or dry ice</u> <u>used</u> to adjust pH.
S9.D.9.j. Control Pollutants	N/A	New Language – <u>Uncontaminated water from water-only based shaft drilling for construction of building, road, and bridge foundations may be infiltrated provided the wastewater is managed in a way that prohibits discharge to surface waters. Prior to infiltration, water from water-only based shaft drilling that comes into contact with curing concrete should be neutralized until pH is in the range of 6.5 to 8.5 (su).</u>
S9.D.13. Protect Low Impact Development (LID) Facilities	N/A	New Language- <u>The primary purpose of LID BMPs/On-site LID Stormwater Management BMPs is to reduce the disruption of the natural site hydrology. LID BMPs are permanent facilities.</u>  <u>a. Permittees must protect all Bioretention and Rain Garden facilities from sedimentation through installation and maintenance of erosion and sediment control BMPs on portions of the site that drain into the Bioretention and/or Rain Garden facilities.</u>

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		<p><u>Restore the facilities to their fully functioning condition if they accumulate sediment during construction. Restoring the facility must include removal of sediment and any sediment-laden Bioretention/Rain Garden soils, and replacing the removed soils with soils meeting the design specification.</u></p> <p><u>b. Permittees must maintain the infiltration capabilities of Bioretention and Rain Garden facilities by protecting against compaction by construction equipment and foot traffic. Protect completed lawn and landscaped areas from compaction due to construction equipment.</u></p> <p><u>c. Permittees must control erosion and avoid introducing sediment from surrounding land uses onto permeable pavements. Do not allow muddy construction equipment on the base material or pavement. Do not allow sediment-laden runoff onto permeable pavements.</u></p> <p><u>d. Permittees must clean permeable pavements fouled with sediments or no longer passing an initial infiltration test using local stormwater manual methodology or the manufacturer's procedures.</u></p> <p><u>e. Permittees must keep all heavy equipment off existing soils under LID facilities that have been excavated to final grade to retain the infiltration rate of the soils.</u></p>
S9.E.11. SWPPP – Map Contents and Requirements	N/A	<p>New Language - <u>Location or proposed location of LID facilities.</u></p>
<b>S10. Notice of Termination</b>		
S10.B. Notice of Termination	N/A	<p>New Language – <u>When an electronic termination form is available, the Permittee may choose to submit a complete and accurate Notice of Termination (NOT) form through the Water Quality Permitting Portal rather than mailing a hardcopy as noted above.</u></p>



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S10.B. Notice of Termination	The termination is effective on the date Ecology receives the NOT form	<p>Clarification - The termination is effective on the <u>thirty-first calendar day following the date Ecology receives a complete NOT form</u>, unless Ecology notifies the Permittee that <u>the</u> termination request is denied because the Permittee has not met the eligibility requirements in Special Condition S10.A.</p> <p><u>Permittees are required to comply with all conditions and effluent limitations in the permit until the permit has been terminated.</u></p>
<b>G2. Signatory Requirements</b>		
G2.A.1. Signatory Requirements	In the case of corporations, by a responsible corporate officer of at least the level of vice president of a corporation;	Clarification - In the case of corporations, by a responsible corporate officer;
G2.B. Signatory Requirements	All reports and other information must be signed.	Clarification – All reports required by this permit and other information requested by Ecology ( <u>including NOIs, NOTs, and Transfer of Coverage forms</u> ) must be signed by a person described above or by a duly authorized representative of that person.
<b>G8. Duty to Reapply</b>		
G8. Duty to Reapply	N/A	<p>New Language – <u>The Permittee must reapply using the electronic application form (NOI) available on Ecology’s website. Permittees unable to submit electronically (for example, those who do not have an internet connection) must contact Ecology to request a waiver and obtain instructions on how to obtain a paper NOI.</u></p> <p><u>Department of Ecology</u> <u>Water Quality Program - Construction Stormwater</u> <u>PO Box 47696</u> <u>Olympia, Washington 98504-7696</u></p>
<b>G9. Transfer of General Permit Coverage</b>		
G9.A. Transfer of General Permit Coverage	A written agreement (Transfer of Coverage Form) between the current discharger	Clarification - A written agreement (Transfer of Coverage Form) between the current discharger (Permittee) and new discharger, signed by both parties and containing a

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	(Permittee) and new discharger, signed by both parties and containing a specific date for transfer of permit responsibility, coverage, and liability is submitted to the Director;	specific date for transfer of permit responsibility, coverage, and liability ( <u>including any Administrative Orders associated with the Permit</u> ) is submitted to the Director; and
<b>Appendix A - Definitions</b>		
Benchmark	N/A	New Language - <b>Benchmark</b> means a <i>pollutant</i> concentration used as a permit threshold, below which a <i>pollutant</i> is considered unlikely to cause a water quality violation, and above which it may. When <i>pollutant</i> concentrations exceed benchmarks, corrective action requirements take effect. Benchmark values are not water quality standards and are not numeric effluent limitations; they are indicator values.
Chemical Treatment	N/A	New Language - <b>Chemical Treatment</b> means the addition of chemicals to <i>stormwater</i> and/or authorized non-stormwater prior to filtration and discharge to surface waters.
Construction Activity	<b>Construction Activity</b> means land disturbing operations including clearing, grading or excavation which disturbs the surface of the land. Such activities may include road construction, construction of residential houses, office buildings, or industrial buildings, and demolition activity.	Clarification - <b>Construction Activity</b> means land disturbing operations including clearing, grading or excavation which disturbs the surface of the land. Such activities may include road construction, construction of residential houses, office buildings, or industrial buildings, <u>site preparation, soil compaction, movement and stockpiling of topsoils,</u> and demolition activity.
Contaminated Groundwater	N/A	New Language – <b>Contaminated Groundwater</b> means groundwater <u>which contains <i>contaminants, pollutants, or</i></u>

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		<u>hazardous substances</u> that do not occur naturally or occur at levels greater than natural background.
Contaminated Soil	N/A	New Language – <b>Contaminated Soil</b> means soil which contains <u>contaminants, pollutants, or hazardous substances</u> that do not occur naturally or occur at levels greater than natural background.
Federal Operator	N/A	New Language – <b>Federal Operator</b> is an entity that meets the definition of “ <i>Operator</i> ” in this permit and is either <u>any department, agency or instrumentality of the executive, legislative, and judicial branches of the Federal government of the United States, or another entity, such as a private contractor, performing construction activity for any such department, agency, or instrumentality.</u>
Final Stabilization	<b>Final Stabilization</b> (same as <b>fully stabilized</b> or <b>full stabilization</b> ) means the establishment of a permanent vegetative cover, or equivalent permanent stabilization measures (such as riprap, gabions or geotextiles) which prevents erosion.	Clarification - <b>Final Stabilization</b> (same as <b>fully stabilized</b> or <b>full stabilization</b> ) means the establishment of a permanent vegetative cover, or equivalent permanent stabilization measures ( <u>examples of permanent non-vegetative stabilization methods include, but are not limited to riprap, gabions or geotextiles</u> ) which prevents erosion.
Process Wastewater	<b>Process Wastewater</b> means any water which, during manufacturing or processing, comes into direct contact with or results from the production or use of any raw material, intermediate product, finished product, byproduct, or waste product (40 CFR 122.1).	Clarification - <b>Process Wastewater</b> means any water which, during manufacturing or processing, comes into direct contact with or results from the production or use of any raw material, intermediate product, finished product, byproduct, or waste product. <u>If stormwater commingles with process wastewater, the commingled water is considered process wastewater.</u>

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Responsible Corporate Officer	N/A	New Language - <b>Responsible Corporate Officer</b> for the purpose of signatory authority means: (i) a president, secretary, treasurer, or vice-president of the corporation in charge of a principal business function, or any other person who performs similar policy- or decision-making functions for the corporation, or (ii) the manager of one or more manufacturing, production, or operating facilities, provided, the manager is authorized to make management decisions which govern the operation of the regulated facility including having the explicit or implicit duty of making major capital investment recommendations, and initiating and directing other comprehensive measures to assure long term environmental compliance with environmental laws and regulations; the manager can ensure that the necessary systems are established or actions taken to gather complete and accurate information for permit application requirements; and where authority to sign documents has been assigned or delegated to the manager in accordance with corporate procedures (40 CFR 122.22).
Significant Concrete Work	<b>Significant Concrete Work</b> means greater than 1000 cubic yards poured concrete or recycled concrete over the life of a project.	Clarification - <b>Significant Concrete Work</b> means greater than 1000 cubic yards poured concrete used over the life of a project.
Transfer of Coverage (TOC)	N/A	New Language - <b>Transfer of Coverage (TOC)</b> means a request for transfer of coverage under this general permit as specified by General Condition G9 of this permit.
Uncontaminated	Uncontaminated means free from any contaminant, as defined in MTCA cleanup regulations. See definition of “contaminant” and WAC 173-340-200.	Removed – MTCA reference. Uncontaminated means free from any contaminant; as defined in MTCA cleanup regulations. See definition of “contaminant” and WAC 173-340-200.

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Water-only Based Shaft Drilling	N/A	New Language- <b><u>Water-only Based Shaft Drilling</u></b> is a shaft drilling process that uses water only and no additives are involved in the drilling of shafts for construction of building, road, or bridge foundations.